THE HON'BLE Mr. JUSTICE V.ESWARAIAH

WRIT PETITION No.2799 of 2006

DATED:16.02.2006

Between:

Isarapu Sudarsana Rao ……Petitioner

AND

1. The District Collector,

Vizianagaram and another

...Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No. 2799 of 2006

ORDER:

This writ petition is filed by the petitioner seeking a writ of mandamus, declaring the action of the respondents in trying to assign the land in favour of third parties covered by S.No.118 (Old S.No.46) situated in Vizianagram Bit-II, Vizianagram and locally known as Konaramudu Mettu, as arbitrary and illegal.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner submits that the land in an extent of Ac. 3.52 cents covered by Sy.No.118 and Patta No.38 situated in Vizianagram Bit-II, locally known as

Konaramudu Mettu and also Gandaboyina Mettu originally belonged to the paternal grand father of the petitioner namely Sanyasi, who purchased the same from Kona China Ramaswamy and Kona Pydithalli under the registered sale deed dated 28.05.1924 (Document No. 992/24) and another sale deed dated 01.10.1941 from Lanka Krishnamma and his three sons registered on 25.01.1934 and also purchased part of the same land under registered sale deed dated 03.09.1929 from Korada Appadu and his three sons and another registered sale deed dated 03.09.1929 (Document No.2277/29) and thus, the said Sanyasi Rao continued his possession and thereafter, he executed a will on 10.08.1949 creating a life estate in favour of his four sons. The petitioner is son of one of the sons of Late Sanyasi viz; Suryanarayana. It is stated that patta pass-book and title deeds were issued in respect of the said land. It is further stated that out of the said land, an extent of Ac.0.25 Cents was sold to Putrevu Syamala Rao and the remaining land belongs to the petitioner. The respondents without following due procedure prescribed under law, threatening the petitioner to disposses him from the said land and taking steps to assign the same in favour of third parties.

A perusal of the documents go to show that the patta No. 59 under the Record of Ryots Act B 57523 was issued in favour of E. Venkataswamy, and the said Venkatasamy is paternal uncle of the petitioner and the said lands are the joint property. It is stated that the relevant lands are an extent of Ac.1.50 cents in Sy.No.112, Ac.3.32 cents in Sy.No.118, Ac.1.08 ents in Sy.No.187P and Ac.0.99 cents in Sy.No.188-4 situated at Vizianagaram Town of Vizianagaram District.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the respondents that the land in question may not be assigned in favour of the third parties and the petitioner may not be dispossesed from the said lands without following the due procedure prescribed under law.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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16th February, 2006

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